

Decisions on Petitions for Writs of Certiorari. 239 U. S.

PANY. Appeal from the United States Circuit Court of Appeals for the Third Circuit. Submitted January 10, 1916. Decided January 17, 1916. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of act of Congress, January 28, 1915, c. 22, 38 Stat. 803. See *Central Trust Co. v. Lueders*, 239 U. S. 11. *Mr. Walter Lee Sheppard* for the appellants. *Mr. Frank Rogers Donahue* for the appellee.

Decisions on Petitions for Writs of Certiorari from October 11, 1915, to January 17, 1916.

Nos. 558 and 559. L. STEINER AND B. FRANK, INDIVIDUALLY, ETC., ET AL., PETITIONERS, *v.* T. S. FAULK & COMPANY. October 18, 1915. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Leon Weil* and *Mr. Horace Stringfellow* for the petitioners. *Mr. W. A. Blount*, *Mr. A. C. Blount* and *Mr. F. D. Carter* for the respondents.

No. 582. THE TRINITY GOLD DREDGING & HYDRAULIC COMPANY, PETITIONER, *v.* ANGELE BEAUDRY, AS EXECUTRIX, ETC. October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Edward J. McCutchen*, *Mr. A. Crawford Greene*, *Mr. Alexander Britton*, *Mr. Evans Browne* and *Mr. F. W. Clements* for the petitioner. *Mr. Thomas B. Dozier* and *Mr. F. S. Brittain* for the respondents.

No. 594. ROBERT H. MONTGOMERY, AS TRUSTEE, ETC., PETITIONER, *v.* BOTTLERS SEAL COMPANY. October 18,

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1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Selden Bacon* for the petitioner. *Mr. Alfred D. Lind* for the respondent.

No. 626. CITY OF NEW ORLEANS ET AL., PETITIONERS, *v.* PENN BRIDGE COMPANY. October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. I. D. Moore* and *Mr. Percy S. Benedict* for the petitioners. *Mr. Robert E. Milling* and *Mr. William Grant* for the respondent.

No. 635. IDA R. ROBERTS ET AL., PETITIONERS, *v.* MYRA J. ROBERTS. October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. M. F. Watts* and *Mr. William R. Gentry* for the petitioners. No appearance for the respondent.

Nos. 636 and 637. JOHN A. LEWIS, AS EXECUTOR, ETC., ET AL., PETITIONERS, *v.* WILLIAM B. HOLMES ET AL. October 18, 1915. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Jackson H. Ralston* and *Mr. Morton S. Cressy* for the petitioners. *Mr. Ely B. Felsenthal*, *Mr. John P. Wilson*, *Mr. Nathan G. Moore*, *Mr. William B. McIlwaine* and *Mr. Charles L. Bartlett* for the respondents.

No. 640. MIENE WILCKENS, PETITIONER, *v.* ALWINE S. WILCKENS. October 18, 1915. Petition for a writ of

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certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. William J. Courtright* for the petitioner. *Mr. C. S. Montgomery* for the respondent.

NO. 642. LILLIE W. REED, PETITIONER, *v.* THE BALTIMORE & OHIO RAILROAD COMPANY. October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Charles W. Baker* for the petitioner. *Mr. Judson Harmon, Mr. Edward Colston, Mr. George Hoadly and Mr. A. W. Goldsmith* for the respondent.

NO. 647. CHARLES G. GUTH, PETITIONER, *v.* GUTH CHOCOLATE COMPANY. October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. Charles F. Harley and Mr. George W. Lindsay* for the petitioner. *Mr. Frederick L. Emery* for the respondent.

NO. 652. CHARLES S. HINCHMAN, PETITIONER, *v.* CONSOLIDATED ARIZONA SMELTING COMPANY. October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr. Charles H. Burr* for the petitioner. *Mr. J. Markham Marshall* for the respondent.

NO. 661. EGBERT WHITNEY, PETITIONER, *v.* NEW YORK SCAFFOLDING COMPANY. October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. James A.*

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Carr, Mr. Wallace R. Lane, Mr. W. A. Johnston and Mr. Edwin S. Clarkson for the petitioner. *Mr. Paul Bakewell* for the respondent.

NO. 662. THE AMERICAN ROTARY VALVE COMPANY, PETITIONER, *v. ALBERT E. MOORHEAD.* October 18, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John Ridout and Mr. W. Clyde Jones* for the petitioner. *Mr. James W. Noel* for the respondent.

NO. 621. HAMILTON TRUST COMPANY ET AL., PETITIONERS, *v. JOHN L. BISHER, JR., ETC.* October 18, 1915. Petition for writs of mandamus and certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Emmett Callahan* for the petitioners. *Mr. William P. Richardson and Mr. Will R. King* for the respondent.

NO. 667. THE UNITED STATES EX REL. THE STATE OF LOUISIANA, PETITIONER, *v. HON. ALECK BOARMAN, JUDGE, ETC.* October 25, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Ruffin G. Pleasant and Mr. Daniel Wendling* for the petitioner. *Mr. Edgar H. Farrar, Mr. Henry Bernstein and Mr. Willard F. Keeney* for the respondent.

NO. 512. W. F. JIMMERSON, AS ASSESSOR, ETC., ET AL., PETITIONER, *v. THE UNITED STATES EX REL. FALL CITY CONSTRUCTION COMPANY.* October 25, 1915. Petition for a writ of certiorari to the United States Circuit Court

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of Appeals for the Eighth Circuit denied. *Mr. C. F. Greenlee* for the petitioners. No appearance for the respondent.

NO. 641. VANDALIA RAILROAD COMPANY, PETITIONER, *v.* THE UNITED STATES. October 25, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. John G. Williams, Mr. Thomas W. White, Mr. Lindorf O. Whitnel and Mr. Samuel W. Fordyce, Jr.*, for the petitioner. *The Attorney General and Mr. Assistant to the Attorney General Todd* for the respondent.

NO. 663. NATIONAL BANK OF COMMERCE OF ST. LOUIS, PETITIONER, *v.* E. B. ALLEN, UNITED STATES COLLECTOR, ETC. October 25, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. A. C. Stewart, Mr. P. Taylor Bryan and Mr. George H. Williams* for the petitioner. No brief filed for the respondent.

NO. 665. EDMUND W. MUDGE ET AL., PETITIONERS, *v.* BLACK, SHERIDAN & WILSON ET AL. October 25, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Frank Y. Gladney and Mr. Frank J. Hogan* for the petitioners. No appearance for the respondents.

NO. 669. MORRIS L. BETTMAN, PETITIONER, *v.* THE UNITED STATES. October 25, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Frank F. Dinsmore* for

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the petitioner. *The Attorney General* and *The Solicitor General* for the respondent.

No. 671. GEORGE L. COLBURN ET AL., PETITIONERS, *v.* THE UNITED STATES. October 25, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Chester H. Krum* for the petitioners. *The Attorney General, The Solicitor General* and *Mr. Assistant Attorney General Wallace* for the respondents.

No. 545. ARTHUR C. BRADY, PETITIONER, *v.* MARTIN E. KERN. November 1, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. E. Spencer Miller* for the petitioner. *Mr. Owen J. Roberts* for the respondent.

No. 675. LEONARD CECIL PARKER ET AL., PETITIONERS, *v.* BARBARA PARKER. November 1, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Theodore Mack* and *Mr. Gaines B. Turner* for the petitioners. *Mr. F. M. Etheridge* and *Mr. J. M. McCormick* for the respondent.

No. 678. GERARD B. TOWNSEND ET AL., PETITIONERS, *v.* GEORGIA SOUTHERN & FLORIDA RAILWAY COMPANY ET AL. November 1, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. Louis Marshall, Mr. Marion*

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Erwin and *Mr. Joseph Fried* for the petitioners. *Mr. Alexander C. King* and *Mr. J. Ellsworth Hall* for the respondents.

NO. 561. CAMBRIA IRON COMPANY, PETITIONER, *v.* THE CARNEGIE STEEL COMPANY (LTD.). November 8, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. Francis T. Chambers* and *Mr. James I. Kay* for the petitioner. *Mr. Charles C. Linthicum* and *Mr. David A. Reed* for the respondent.

NO. 668. MARY M. HILL, EXECUTRIX, ETC., ET AL., PETITIONERS, *v.* JAMES H. LOVEWELL, ETC., ET AL. November 8, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Caruthers Ewing* for the petitioners. *Mr. W. J. Lamb*, *Mr. Wassell Randolph* and *Mr. William M. Randolph* for the respondents.

NO. 686. LILLY BUSCH ET AL., ETC., PETITIONERS, *v.* STROMBERG-CARLTON TELEPHONE MANUFACTURING COMPANY. November 15, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Joseph H. Zumbalen* for the petitioners. *Mr. Warwick M. Hough* and *Mr. Walter H. Saunders* for the respondent.

NO. 691. BARBER ASPHALT PAVING COMPANY, PETITIONER, *v.* THE CITY OF ST. PAUL. November 15, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr.*

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Morris M. Townley for the petitioner. *Mr. Thomas D. O'Brien* for the respondent.

NO. 674. THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY, PETITIONER, *v.* THE UNITED STATES. November 29, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr. Robert Dunlap, Mr. E. W. Camp, Mr. Paul Burks, Mr. Alexander Britton and Mr. Evans Browne* for the petitioner. No brief filed for the respondent.

NO. 707. FRED VON BAUMBACH, COLLECTOR, ETC., PETITIONER, *v.* SARGENT LAND COMPANY;

NO. 708. FRED VON BAUMBACH, COLLECTOR, ETC., PETITIONER, *v.* SUTTON LAND COMPANY; and

NO. 709. FRED VON BAUMBACH, COLLECTOR, ETC., PETITIONER, *v.* KEARSARGE LAND COMPANY. November 29, 1915. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted. *The Attorney General and The Solicitor General* for the petitioner. *Mr. John R. Van Derlip* for the respondents.

NO. 677. OTOMAN ZAR ADUSHT HANISH, PETITIONER, *v.* THE UNITED STATES. November 29, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. James R. Ward* for the petitioner. No brief filed for the respondent.

NO. 692. DON A. MOUN DAY AND L. D. MOUN DAY, PETITIONERS, *v.* THE UNITED STATES. November 29,

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1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Charles Blood Smith* and *Mr. Chapin Brown* for the petitioners. *The Attorney General, The Solicitor General* and *Mr. Assistant Attorney General Wallace* for the respondent.

No. 704. WEBSTER BALLINGER, PETITIONER, *v.* WEST PUBLISHING COMPANY. November 29, 1915. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr. Webster Ballinger* for the petitioner. *Mr. H. Winship Wheatley* for the respondent.

No. 581. E. I. DU PONT DE NEMOURS POWDER COMPANY ET AL., PETITIONERS, *v.* WALTER E. MASLAND ET AL. December 6, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted. *Mr. Edwin J. Prindle* and *Mr. Warren H. Small* for the petitioners. No appearance for the respondents.

No. 718. S. S. WHITE DENTAL MANUFACTURING COMPANY, PETITIONER, *v.* OSCAR H. PIEPER ET AL. December 6, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Henry N. Paul, Jr., Mr. Joseph C. Fraley* and *Mr. Edward Rector* for the petitioner. *Mr. Charles A. Brown* for the respondents.

No. 684. THOMPSON & FORD LUMBER COMPANY, PETITIONER, *v.* CHARLES DILLINGHAM, RECEIVER, ETC., ET AL. December 6, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the

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Fifth Circuit denied. *Mr. H. M. Garwood* and *Mr. William A. Vincent* for the petitioner. *Mr. Thomas M. Kennerly* for the respondents.

NO. 723. MARION W. ROSE, PETITIONER, *v.* THE UNITED STATES. December 6, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. George X. McLanahan* and *Mr. James T. Neville* for the petitioner. *The Attorney General, The Solicitor General* and *Mr. Assistant Attorney General Wallace* for the respondent.

NO. 724. CHARLES EDWARD GRELLE ET AL., PETITIONERS, *v.* THE CITY OF EUGENE, OREGON, ET AL. December 6, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. T. J. Geisler* for the petitioners. *Mr. Martin L. Pipes* for the respondents.

NO. 734. HUGH McCURDY EATON, ADMINISTRATOR, ETC., PETITIONER, *v.* COUNTY OF SHIAWASSEE. December 13, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. Bernard B. Selling* for the petitioner. *Mr. Harrison Geer* for the respondent.

NO. 747. ROCK SPRINGS DISTILLING COMPANY ET AL., PETITIONERS, *v.* W. A. GAINES & COMPANY. December 20, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

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Mr. Luther Ely Smith and Mr. William T. Ellis for the petitioners. *Mr. Daniel W. Lindsey, Mr. James L. Hopkins and Mr. Edmund F. Trabue* for the respondent.

NO. 735. ST. LOUIS UNION TRUST COMPANY, PETITIONER, *v.* MARY E. MELLON ET AL. December 20, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. W. F. Wilson* for the petitioner. No appearance for the respondents.

NO. 744. DAN A. WARD ET AL., PETITIONERS, *v.* THOMAS W. MORGAN, WARDEN, ETC. December 20, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Edwin A. Krauthoff* for the petitioners. *The Attorney General, The Solicitor General and Mr. Assistant Attorney General Warren* for the respondent.

NO. 751. THE NATIONAL BANK OF COMMERCE IN ST. LOUIS, PETITIONER, *v.* EQUITABLE TRUST COMPANY OF NEW YORK. December 20, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. George L. Edwards* for the petitioner. *Mr. Charles C. Howland, Mr. F. N. Judson and Mr. John F. Green* for the respondent.

NO. 752. WESTERN GLASS COMPANY, PETITIONER, *v.* THE SCHMERTZ WIRE GLASS COMPANY ET AL. December 20, 1915. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Albert H. Graves and Mr. Louis*

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Quarles for the petitioner. *Mr. Drury W. Cooper, Mr. Thomas B. Kerr* and *Mr. Arthur J. Baldwin* for the respondents.

No. 767. ABERCROMBIE & FITCH COMPANY ET AL., PETITIONERS, *v.* FREDERICK E. BALDWIN ET AL. January 10, 1916. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. *Mr. James R. Offield* and *Mr. Charles K. Offield* for the petitioners. No appearance for the respondents.

No. 749. CHOY GUM, ETC., PETITIONER, *v.* SAMUEL W. BACKUS, COMMISSIONER, ETC. January 10, 1916. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr. Corry M. Stadden* for the petitioner. *The Attorney General, The Solicitor General* and *Mr. Assistant Attorney General Wallace* for the respondent.

No. 755. JOHN M. BURROUGHS ET AL., PETITIONERS, *v.* FLORENCE L. CHAMBERS. January 10, 1916. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr. B. F. Leighton* and *Mr. Wharton E. Lester* for the petitioners. *Mr. George E. Sullivan* and *Mr. Walter C. English* for the respondent.

No. 765. SANGAMON LOAN & TRUST COMPANY, TRUSTEE, ETC., PETITIONER, *v.* UNITED SHOE MACHINERY COMPANY. January 10, 1916. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr. Henry Lyman Child* and *Mr. Otis*

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Scott Humphrey for the petitioner. No appearance for the respondent.

No. 770. SAN ANTONIO & ARANSAS PASS RAILWAY COMPANY, PETITIONER, *v.* STREETS WESTERN STABLE CAR COMPANY. January 10, 1916. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. George Thompson* and *Mr. J. H. Barwise, Jr.*, for the petitioner. *Mr. Levy Mayer* and *Mr. Carl Meyer* for the respondent.

No. 792. WELLS, FARGO & COMPANY, PETITIONER, *v.* THE MAYOR AND ALDERMEN OF JERSEY CITY. January 17, 1916. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. Charles W. Stockton* for the petitioner. *Mr. John Bentley* for the respondents.

CASES DISPOSED OF WITHOUT CONSIDERATION
BY THE COURT FROM OCTOBER 11, 1915, TO
JANUARY 17, 1916.

No. 2. THOMAS W. McCOMB, PLAINTIFF IN ERROR, *v.* THE COMMONWEALTH OF PENNSYLVANIA. In error to the Supreme Court of the State of Pennsylvania. October 12, 1915. Dismissed, with costs, on motion of counsel for the plaintiff in error. *Mr. John G. Johnson* for the plaintiff in error. *Mr. William M. Hargest* and *Mr. Lyman D. Gilbert* for the defendant in error.

No. 151. UNION PACIFIC RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* BARBORA ZITNIK, ADMINISTRATRIX, ETC.